

# **MINUTES OF THE OPEN SESSION OF THE RHODE ISLAND ETHICS COMMISSION**

**August 22, 2006**

**The Rhode Island Ethics Commission held its 15th meeting of 2006 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, August 22, 2006, pursuant to the notice published at the Commission Headquarters and at the State House Library.**

**The following Commissioners were present:**

**James Lynch, Sr., Chair James V. Murray**

**Barbara Binder, Vice Chair Ross Cheit**

**George E. Weavill, Jr., Secretary**

**Richard E. Kirby\***

**Also present were Kathleen Managhan, Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; Jason M. Gramitt, Staff Attorney/Education Coordinator; Staff Attorney Dianne Leyden and Commission Investigators Steven T. Cross, Peter J. Mancini, and Michael Douglas.**

**At approximately 9:10 a.m., the Chair opened the meeting.**

**The first order of business was to approve the minutes of the Open Session held on July 18, 2006. Upon motion made by Commissioner Cheit and duly seconded by Commissioner Weavill, it was unanimously**

**VOTED: To approve the minutes of the Open Session held on July 18, 2006.**

**AYES: James Lynch, Sr., George E. Weavill, Jr. and Ross Cheit.**

**ABSTENTIONS: Barbara Binder and James V. Murray.**

**The next order of business was to approve the minutes of the Open Session held on July 25, 2006. Upon motion made by Commissioner Cheit and duly seconded by Commissioner Binder, it was unanimously**

**VOTED: To approve the minutes of the Open Session held on July 25, 2006.**

**AYES: James Lynch, Sr., Barbara Binder, James V. Murray, Ross Cheit and George E. Weavill, Jr.**

**The next order of business was advisory opinions. The advisory opinions were based on draft advisory opinions prepared by the Commission Staff for review by the Commission and were scheduled**

as items on the Open Session Agenda for this date. This first advisory opinion was that of Richard A. Poirier, a Smithfield Town Councilor. Edmund L. Alves, Jr. was present on behalf of the petitioner. Staff Attorney Leyden presented the Commission Staff recommendation. Upon motion made by Commissioner Murray and duly seconded by Commissioner Binder, it was unanimously

**VOTED:** To issue an advisory opinion, attached hereto, to Richard A. Poirier, a Smithfield Town Councilor.

**AYES:**James Lynch, Sr., James V. Murray, Ross Cheit, Barbara Binder and George E. Weavill, Jr.

The next advisory opinion was that of Robert W. Martin, an eGovernment Specialist for the City of Warwick. The petitioner was present. Staff Attorney Leyden presented the Commission Staff recommendation. Upon motion made by Commissioner Binder and duly seconded by Commissioner Cheit, it was unanimously

**VOTED:**To issue an advisory opinion, attached hereto, to Robert W. Martin, an eGovernment Specialist for the City of Warwick.

The next advisory opinion was that of Anne-Marie Silveira, a Narragansett Town Councilor. Staff Attorney Leyden presented the Commission Staff recommendation. Legal Counsel Managhan noted that her law partner represents the bar for which the petitioner's

**client is a witness, but stated her ability to offer an opinion fairly and objectively. Upon motion made by Commissioner Cheit and duly seconded by Commissioner Murray, it was unanimously**

**VOTED:To issue an advisory opinion, attached hereto, to Anne-Marie Silveira, a Narragansett Town Councilor.**

**AYES:Ross Cheit, Barbara Binder, James Lynch, Sr., George E. Weavill, Jr. and James V. Murray.**

**Upon motion made by Commissioner Weavill and duly seconded by Commissioner Cheit, it was unanimously**

**VOTED:To go into Executive Session pursuant to R.I. Gen. Laws § 42-46-5(a)(4), to wit:**

**a.) Motion to approve minutes of Executive Session held on July 18, 2006.**

**b.) In re: A. Ralph Mollis,  
Complaint No. 2006-6**

**c.) In re: John E. Fleming, Jr.,  
Complaint No. 2006-5**

**d.)In re: William J. Devenney,  
Complaint No. 2006-2**

**e.)In re: Wayne E. Cross,  
Complaint No. 2006-3**

**f.)In re: Patrick C. Lynch,  
Complaint No. 2006-7**

**AYES:James Lynch, Sr., Ross Cheit, James V. Murray, Barbara Binder and George E. Weavill, Jr.**

**At approximately 11:20 a.m., the Commission returned to Open Session, with Commissioner Kirby present.\* Upon motion made by Commissioner Weavill and duly seconded by Commissioner Binder, it was unanimously**

**VOTED:To seal the minutes of the Executive Session held on August 22, 2006.**

**AYES:James Lynch, Sr., Richard E. Kirby, Ross Cheit, George E.Weavill, Jr., Barbara Binder and James V. Murray.**

**The Chair Reported that in Executive Session the Commission voted to take the following actions: 1) approve the Minutes of the Executive Session held on July 18, 2006; 2) initially determine that Complaint**

No. 2006-6, In re: A. Ralph Mollis, alleges sufficient facts to constitute a knowing and willful violation of the Code of Ethics; 3) initially determine that Complaint No. 2006-5, In re: John E. Fleming, Jr., alleges sufficient facts to constitute a knowing and willful violation of the Code of Ethics; 4) dismissed with prejudice In re: William J. Devenney, Complaint No. 2006-2, for failure to allege sufficient facts to constitute a knowing and willful violation of the Code of Ethics; 5) dismissed with prejudice In re: Wayne E. Cross, Complaint No. 2006-3, for failure to allege sufficient facts to constitute a knowing and willful violation of the Code of Ethics and 6) dismissed with prejudice In re: Patrick C. Lynch, Complaint No. 2006-7, for failure to allege sufficient facts to constitute a knowing and willful violation of the Code of Ethics.

The next order of business was the Director's Report. Executive Director Willever reported that there are five advisory opinions and twelve complaints pending, eight of which relate to financial disclosure. He advised that Staff Attorney Gramitt recently was a presenter at the Attorney General's Open Government Summit. He also noted that he, Staff Attorney Gramitt and Investigators Douglas and Mancini recently met with a delegation of Ukrainian officials participating in the State Department's International Visitor Leadership Program. Executive Director Willever announced that the annual COGEL conference would be held in December in New Orleans and asked members interested in attending to contact him.

**In response to Commissioner Weavill, Executive Director Willever informed that the public hearing on proposed regulations has been noticed for September 26th and the advertisement appeared in last Friday's Providence Journal. In further response, Senior Staff Attorney D'Arezzo explained the public notice requirements under the APA. She stated that she consulted Legal Counsel Managhan relative to entitling and numbering the proposals for notice purposes, but noted that they may be changed after hearing. In response to Commissioner Weavill, Legal Counsel Managhan indicated that the Celona decision was circulated to the members and signed by the Chair today.**

**The next order of business was New Business. There being none, upon motion made by Commissioner Kirby and duly seconded by Commissioner Cheit, it was unanimously**

**VOTED: To adjourn the meeting.**

**AYES: James Lynch, Sr., Richard E. Kirby, George E. Weavill, Jr., Barbara Binder, James V. Murray and Ross Cheit.**

**Respectfully submitted,**

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**George E. Weavill, Jr.**  
**Secretary**